

# Exhibit 13

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WISCONSIN  
3

4 ANDREW L. COLBORN, )  
5 Plaintiff, ) Case No.  
6 vs. ) 19-cv-0484  
7 NETFLIX, INC., et al., )  
8 Defendants. )  
9  
10  
11

12 CONFIDENTIAL  
13 VIDEOTAPED DEPOSITION OF ADAM DEL DEO  
14 April 26, 2022  
15  
16  
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18  
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20 REPORTED REMOTELY BY:  
21 AMBER S. WILLIAMS, C.S.R. No. 1080  
22 Notary public  
23  
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25

1 something really terrific. I was really struck in  
2 that conversation, which I shared -- the focus on --  
3 that they had on wanting to use the Steven Avery case  
4 as a look at the criminal justice system itself.

5 I was struck by the fact, which I  
6 communicated I believe in that meeting, that Steven  
7 had spent 18 years in prison, that someone could  
8 state at trial that they were so convinced that he  
9 had committed this heinous act, this rape, and that  
10 the criminal justice system got it wrong, that  
11 through DNA testing -- which for me at the time --  
12 you know, a lot of this, I'm -- I was learning about  
13 after seeing -- I had a lot of questions after seeing  
14 the first two cuts, but I was really struck with  
15 their depth of knowledge and curiosity to kind of dig  
16 into this case and use it as a lens to look at the  
17 criminal justice system in America.

18 So I expressed that with Lisa at the  
19 time. I was, again, very impressed. Laura and  
20 Moira, I had learned that they had met at Columbia  
21 film school. I was very impressed at how well they  
22 were articulated and how they wanted to go in eyes  
23 wide open and capture, you know, accurate, factual  
24 events, really follow the story from the Steven Avery  
25 perspective and also from the perspective of the

1 police officers involved in the case, Manitowoc, and  
2 let -- let the subjects capture in an objective way  
3 what was happening and to be able to put forth these  
4 issues in the criminal justice system, put those  
5 forward to a broader audience.

6 So that was my recollection of that  
7 first meeting with them, primarily.

8 Q. And after that meeting, at some point  
9 you, in terms of you acting in your role, were asked  
10 to do more with respect to -- or to become more  
11 involved in the series; is that correct?

12 A. Yes.

13 Q. And what were you initially asked to do?

14 A. I was initially asked to work with Laura  
15 and Moira to come up with a budget that we felt would  
16 achieve the objective of the series, to provide any  
17 support that they needed. You know, they were  
18 already shooting; they already had a pretty strong  
19 team. But to the extent that I could be helpful in  
20 terms of any prepositions, helpful in terms of  
21 budgeting, I would be a general resource for them and  
22 also work with them to get primarily, I think, the  
23 budget in shape, that -- that we could move forward  
24 with the project.

25 Q. Were you asked to work with any others

1 in front of me, but that's what -- generally  
2 speaking.

3 Q. Yeah. So -- and eventually we're going  
4 to go through some e-mail messages and notes that  
5 might help refresh your recollection on that. I'm  
6 not trying to hold you to that estimate at this  
7 point; I'm just trying get a general sense.

8 When you did -- or, strike that.

9 Was there ultimately a Netflix creative  
10 team for the "Making a Murderer" project?

11 A. At the outset it was -- myself and Lisa  
12 would be the creative team.

13 Q. And then eventually did it grow to  
14 include others at Netflix?

15 A. Yes.

16 Q. And one of those individuals was Ben  
17 Cotner; is that correct?

18 A. Yes.

19 Q. Was there anyone else that you  
20 considered part of the creative team as it evolved?

21 A. Marjon Javadi.

22 Q. And what was her title at that time?

23 A. Her title was coordinator for content.

24 Q. And Mr. Cotner, what was his title at  
25 that time?

1           A.     Director of content.

2           Q.     Was he a co-director of content with  
3     you?

4           A.     We both had the same title, so maybe you  
5     can clarify. Is that what you meant by your  
6     question --

7           Q.     Yes.

8           A.     -- were we both directors? Yes.

9           Q.     Were there more directors of content  
10    than you and Mr. Cotner in your department at that  
11    time?

12          A.     Yes.

13          Q.     And -- but did you all have the same  
14    function? Strike that.

15                 Did you all have the same job  
16    responsibilities?

17          A.     Generally speaking, yes.

18          Q.     With respect to the Netflix creative  
19    team, was there anyone else who ultimately  
20    participated in the -- the main focus of the work  
21    other than Ben, Marjon, Lisa, and yourself?

22          A.     Not to my knowledge.

23          Q.     Did you each have different roles with  
24    respect to the work that you were doing on "Making a  
25    Murderer"?

1 would be important for "Making a Murderer" viewers to  
2 understand the context of the search at the Avery  
3 property on November 8th and Mr. Colborn's  
4 involvement.

5 MS. WALKER: Yeah, I think your question  
6 assumes it was not in the documentary. And I  
7 think -- I -- well, if the witness feels like he can  
8 answer your question -- I'm not instructing him not  
9 to answer it.

10 THE WITNESS: Yeah, I don't know what  
11 context -- whether this was or wasn't used, I don't  
12 recall whether it's in. But I wouldn't be making  
13 that determination. You know, Laura and Moira were  
14 the filmmakers. They were looking at the footage --  
15 the trial footage, you know, all the assets they had.  
16 They would be the ones to make the call as to what  
17 ends up in the documentary or not.

18 From our role, the creative team, we  
19 were giving notes and feedback based on the cuts that  
20 were coming in.

21 So to the extent this exists, this  
22 doesn't -- I've never seen this. Again, I don't know  
23 if this is in the documentary or not, but I  
24 wouldn't -- it wouldn't be my role to suggest that  
25 something would be in the series from the trial

1 specifically.

2 If there was a cut and comment on it, we  
3 would give feedback as to whether or not creatively  
4 we felt it was working. But to the extent there's a  
5 specific passage from the trial, I wouldn't make that  
6 determination.

7 Q. (BY MS. BARKER): Did you -- with  
8 respect to the "Making a Murderer" broadcast and your  
9 involvement, what materials did you review? What  
10 source materials did you review during the production  
11 of "Making a Murderer"?

12 A. We looked -- yeah, we looked at the cuts  
13 that came in.

14 Q. Did you ever have occasion to review any  
15 of the -- any of the depositions that were given by  
16 deponents in the Avery civil trial?

17 A. No.

18 Q. Okay. Do you know whether Benjamin  
19 Cotner ever reviewed any of those?

20 A. I don't know.

21 Q. Directing your attention to page 48 of  
22 56 in the same document, and I'm directing your  
23 attention to the fourth line from the bottom,  
24 there's -- and I'll represent to you, again, that  
25 this is a copy of the trans- -- of the transcript



1 from the Avery criminal trial with omitted testimony  
2 highlighted as represented in Mr. Colborn's pleading  
3 in this case.

4 The question is: With respect to  
5 Mr. Kratz's question "Have you ever planted any  
6 evidence against Mr. Avery," if the plaint- --  
7 assuming that the plaintiffs -- that Mr. Colborn's  
8 response was "That's ridiculous. No, I have not,"  
9 would you agree that it's a different response if  
10 it's as indicated at the end of that page, which  
11 states, "I have to say that this is the first time my  
12 integrity has ever been questioned, and no, I have  
13 not"?

14 MS. WALKER: Object to the form of the  
15 question. The transcript speaks for itself.

16 THE WITNESS: I don't know. I'm just reading  
17 this for the first time, so I haven't seen this  
18 before, to the best of my knowledge, to make a  
19 determination as to whether or not -- in a 10-hour  
20 series, whether a line here or there should be in the  
21 series or not. I've no way of making that  
22 determination.

23 Again, Laura and Moira, we -- we trusted  
24 them. They were steering us. We were looking at the  
25 cuts as they were coming, so -- on an ad hoc basis

1 Q. And are you able to say, based on your  
2 experience in documentary filmmaking, what the  
3 purpose would be for taking footage of a subject and  
4 replacing it with other footage in a trial context  
5 that is nonverbal?

6 MS. WALKER: Objection to the extent you're  
7 asking about something we just saw, and that  
8 misstates or mischaracterizes the evidence. If  
9 you're asking a hypothetical, the witness can answer.

10 THE WITNESS: Yeah, I -- I can't answer that  
11 based on looking at this raw footage and then the  
12 secondary clip. Just not enough context around it.

13 You know, Laura and Moira, we trusted  
14 them to edit the show and -- and create the show that  
15 they thought was best. So I'm not in a position to  
16 comment -- to make a snap judgment here today as to  
17 whether or not a piece of footage that's raw footage  
18 should be swapped out or used within the context of  
19 the series. It's just -- yeah, I wouldn't -- I don't  
20 have enough knowledge to -- to -- of that to -- to  
21 make that determination.

22 Q. (BY MS. BARKER): In your -- given --  
23 strike that.

24 Given your experience in documentary  
25 filmmaking, do you believe that it is -- would be

1 County law enforcement officers planted evidence to  
2 frame Steven Avery for murder?

3 MS. WALKER: Same objections.

4 But you can answer.

5 THE WITNESS: No.

6 Q. (BY MS. BARKER): Does the "Making a  
7 Murderer" series express an opinion that Manitowoc  
8 County law enforcement officers planted evidence to  
9 frame Steven Avery for murder?

10 MS. WALKER: Objection. The documentary  
11 speaks for itself. This witness's opinion as to how  
12 reasonable viewers interpreted what it said is  
13 irrelevant.

14 THE WITNESS: No.

15 Q. (BY MS. BARKER): Does "Making a  
16 Murderer" assert that Andrew Colborn planted evidence  
17 to frame Steven Avery for murder?

18 MS. WALKER: Same objections.

19 THE WITNESS: No.

20 Q. (BY MS. BARKER): Does "Making a  
21 Murderer" express an opinion that Andrew Colborn  
22 planted evidence to frame Steven Avery for murder?

23 MS. WALKER: I'll make the same objection  
24 that the documentary speaks for itself and that this  
25 testimony on what it expresses is not relevant.

1 THE WITNESS: No.

2 Q. (BY MS. BARKER): Does "Making a  
3 Murderer" assert that Andrew Colborn participated in  
4 a conspiracy to frame Steven Avery?

5 MS. WALKER: Same objection. The documentary  
6 speaks for itself.

7 THE WITNESS: No.

8 Q. (BY MS. BARKER): Does "Making a  
9 Murderer" express an opinion that Andrew Colborn  
10 participated in a conspiracy to frame Steven Avery?

11 MS. WALKER: I think you've asked that one  
12 but I'll raise the same objection. The documentary  
13 speaks for itself.

14 THE WITNESS: Yeah, I think you asked the  
15 question. I think I answered it.

16 Q. (BY MS. BARKER): I phrased it  
17 differently actually. So I asked you if he  
18 participated and this is whether it expresses an  
19 opinion.

20 MS. WALKER: Same objection.

21 THE WITNESS: Yeah, ask it one more time just  
22 so I answer that.

23 MS. BARKER: Yes. Madame Court Reporter,  
24 could you read back that question?

25 THE COURT REPORTER: "Does 'Making a

REPORTER'S CERTIFICATE

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I, Amber S. Williams, CSR NO. 1080,  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me.

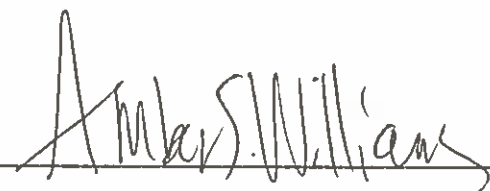
That the testimony and all objections made  
were recorded stenographically by me and transcribed  
by me or under my direction.

That the foregoing is a true and correct  
record of all testimony given, to the best of my  
ability.

I further certify that I am not a relative  
or employee of any attorney or party, nor am I  
financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



  
\_\_\_\_\_

AMBER S. WILLIAMS, CSR NO. 1080

Notary Public

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My commission expires June 1, 2027